

VETO OF SENATE BILL

March 22, 1881.<sup>18</sup>

*To the Honorable Senate in the Legislature assembled:*

I herewith return Senate bill No. 146, being entitled, "An act to create the county of John Upton, and to define the boundaries of the same," without my approval, together with my reasons therefor as follows:

To form said county, portions of the counties of Nueces and Live Oak are stricken off, and taken from said counties to form the new county of John Upton, and no provision is made by law, as required by the Constitution, for the payment proportionally of the debts of said counties, by those who reside, and who own property in the territory thus cut off from them to make said new county.

Therefore, if the act creating said new county could be held to be constitutional, it would result in a positive injustice to those who reside or own property in the portions of the said two counties not cut off.

Executive action has been delayed, after notice of this objection, to enable those in favor of the act to amend it, so as to obviate this objection. That not being done, I consider it but just and proper to return it to the house in which it originated with my objections.

The Constitution prescribes that "when any part of a county is stricken off, and attached to or created into another county, the part stricken off shall be holden for an obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law." (Constitution, article 9, section 2.)

The law relating to that subject provides that the part stricken off shall be obliged to pay its proportion" in such manner as the law striking off such part of such county shall provide." (Revised Civil Statutes, art. 658, p. 109.) There is, therefore, no law providing for that which the Constitution prescribes shall be provided by a law, in a case of his sort.

O. M. ROBERTS, Governor.

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<sup>18</sup>*Senate Journal*, 251.